

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD DECEMBER 3, 2013**

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**CALL TO ORDER**

At 7:00 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley, Mr. Hall and Mayor Bruno answered present. Mr. Woodruff was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff

**FLAG SALUTE**

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**EXECUTIVE SESSION - Attorney-Client Privilege/Litigation – BAC v. Berkeley Heights**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:02 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Moved by Mr. Hall to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:  
**(7:28 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**CONFERENCE SESSION**

**Community Pool Budget Presentation**

Arthur Barbera of the Berkeley Heights Community Pool presented the 2014 budget. He paid the \$1.00 yearly lease amount.

**Fire Prevention Presentation**

Mike Ambrose the Fire Official gave a presentation on Fire Prevention. Mr. Ambrose spoke about the Fire Prevention operations and what they handle. He gave some statistics on what they have

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accomplished in Fire Prevention over the past year. Mr. Ambrose also spoke about changing his job title to Fire Marshall and Fire Prevention title to the Bureau of Fire Safety.

Mr. Ambrose answered questions from the Mayor and Township Council.

**APPROVAL OF MINUTES**

Moved by Mr. Pirone to approve the following Township Council minutes, seconded by Mrs. Kingsley and upon roll call vote:

**Public Meeting – November 18, 2013**

**Executive Session Minutes – July 26, 2011, February 21, 2011  
October 23, 2012, March 5, 2013  
August 6, 2013**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**ADDITION:**

**APPROVAL OF MINUTES**

Mayor Bruno explained the additional Executive Session minutes are from 2010 and only three members of the Council were present at that time and they will be voting on approval of these minutes.

Moved by Mr. Pastore to approve the following additional Executive Session minutes, seconded by Mr. Hall and upon roll call vote:

**Executive Session**

**January 12, 2010, January 26, 2010, July 27, 2010 (1<sup>st</sup> Exec. Session), July 27, 2010 (2<sup>nd</sup> Exec. Session), October 12, 2010, October 26, 2010 ( 1<sup>st</sup> Exec. Session), October 26, 2010 (2<sup>nd</sup> Exec. Session), November 9, 2010, November 23, 2010, December 7, 2010, December 21, 2010**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**TOWNSHIP COUNCIL REPORTS**

Mr. Delia reported he attended the Environmental Commission meeting and they had a discussion on trees that were removed by Morris County from the Passaic River. Mr. Delia gave an update on the status of the community garden and possible locations for the garden. Mr. Delia spoke in length about these locations and some issues with the locations.

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A discussion continued in length on the community garden and the locations available for the garden. Mr. Hall spoke in length about Christina Lewis a member of the Environmental Commission. He spoke about her desire to form a committee for the management of the day to day operation of the community garden. Mr. Hall continued in length to talk about the operations of the garden.

Mr. Hall said Christina Lewis would like to give a presentation on the community garden at the next Township Council meeting on December 17<sup>th</sup> and she can then address all of the issues related to the community garden.

Mr. Pastore reported Santa's visit will be held this Saturday, December 7<sup>th</sup> from 10:00 a.m.-1:00 p.m. with the Christmas tree lighting starting at 5:00 p.m.

Mr. Pirone reported on the Board of Health with regard to obtaining hepatitis shots for the Rescue Squad volunteers. Mr. Pirone said the Rescue Squad has been looking at all the possible options for the power stretchers and power lift structures to get the stretchers into the ambulance. What they will be going with will cost around \$90,000. They will use capital and continued contributions to help pay for them. Mr. Pirone also spoke about the need for repairs on the Rescue Squad garage doors. Mr. Pirone also spoke about the budget concerning the Rescue Squad. Mr. Pirone also spoke about progress on the land swap negotiations and explained further in detail.

Mrs. Kingsley reported the wreaths and banners have been put up. She added there is problem lighting six of the wreaths and we are hoping to have JCP & L fix them for the holiday season. Mrs. Kingsley also reported she attended the National Women's Legislative Conference in Washington DC and she said it was a fabulous event and she was able to make a lot of contacts.

Mr. Hall had nothing to report.

Mrs. Cavanaugh reported the traffic study for Snyder Avenue is under way and we expect the report shortly. Mrs. Cavanaugh also gave an update on the findings with the right turns on red. Mrs. Cavanaugh also reported the cables have arrived for the DPW cameras and the details are being worked out. She also gave an update on the tree removal in the right of ways in town. Mrs. Cavanaugh said she has been in contact with JCP & L regarding the holiday wreaths and that should be resolved shortly as well. Mrs. Cavanaugh said the Passaic River application has been submitted and she went on to give an update on it. Mrs. Cavanaugh reported she met with the Summit Medical Group and they discussed having a farmers market on Saturdays as part of their anniversary activities. Mrs. Cavanaugh also gave an update on the DPW programs and activities.

Mayor Bruno reported he was invited to a meeting in Scotch Plains regarding secession. Mayor Bruno reported he attended the League of Municipalities convention and he attended four seminars. He said it is very worthwhile and it is a good place to make contacts. He also met Senator Kean there and he asked him about drafting a letter for Berkeley Heights regarding secession. He encouraged the Council members to attend as part of the best practices.

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Moved by Mr. Delia that the Township Council Reports be accepted and approved, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**HEARING ON AGENDA ITEMS ONLY**

Moved by Mrs. Kingsley to open the Hearing on the Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Tom Foregger of 14 Dorsett Road referred to the capital ordinance on the agenda for introduction and asked for more specifics on what this is for.

Mayor Bruno responded this is for computer and IT equipment. He added this year we signed with Madison to do our IT and we were told our equipment is out dated. Mayor Bruno explained further.

Mr. Foregger continued to ask questions regarding the computer equipment and what departments they are for.

The discussion continued in length.

Mr. Foregger asked if the Council will be voting on the Community Pool budget?

Mayor Bruno responded it will be voted on but not at tonight's meeting.

Hearing no voices, moved by Mrs. Kingsley to close the Hearing on the Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES  
INTRODUCED ON NOVEMBER 18, 2013:**

The Clerk presented and read:

**(1) "AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF BERKELEY HEIGHTS."**

(Explanation: This ordinance amends the Township's current Salary Ordinance.)

Moved by Mr. Hall to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Mrs. Matula asked if there were any changes to the salary ordinance other than for the Superintendent of the Wastewater. What is that person's salary now?

Mayor Bruno responded the Superintendent of the Wastewater is the only change and we do not have a person in that position right now.

Hearing no voices, moved by Mr. Hall to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Moved by Mr. Hall that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

The Clerk presented and read:

**(2) "AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 9.24 ENTITLED "DRUG-FREE SCHOOL ZONES" OF TITLE 9 ENTITLED "PUBLIC PEACE AND WELFARE" OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO AMEND AND UPDATE THE TOWNSHIP'S ADOPTION OF A DRUG-FREE SCHOOL ZONE."** (Explanation: This Ordinance amends and updates the Township's adoption and regulation of Drug-Free School Zones.)

Moved by Mr. Pirone to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mrs. Kingsley and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Hearing no voices, moved by Mr. Pirone to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Moved by Mr. Pirone that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

The Clerk presented and read:

**(3)"AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING, CHAPTER 2.138 ENTITLED "AWARDING OF PUBLIC CONTRACTS" OF TITLE 2 ENTITLED "ADMINISTRATION AND PERSONNEL" OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO AMEND AND UPDATE THE TOWNSHIP'S REGULATIONS ON THE AWARD OF PUBLIC CONTRACTS".**  
“(Explanation: This Ordinance amends and updates the Township’s regulation on awarding public contracts based on campaign contributions pursuant to New Jersey’s Pay-to-Play law.)

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Carol Matula of 5 Hastings Road asked for a brief summary on how this ordinance compares to the old ordinance.

Joseph Sordillo, Township Attorney responded the difference is the prior ordinance followed the statute explicitly allowing for contributions up to \$300.00. This amendment removes the contribution limitation and any contribution will affect it.

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Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

The Clerk presented and read:

**(4) "AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE LEASE WITH OUR LADY OF MOUNT CARMEL SOCIETY FOR THE 2013-2014 TERM."** (Explanation: This ordinance authorizes the lease agreement with Our Lady of Mount Carmel Society for the use of its Hall.)

Moved by Mr. Pastore to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Carol Matula of 5 Hastings Road asked if we were paying \$15,000 last year. She asked if the County is also contributing.

Mayor Bruno responded we are paying the same this year there is no change. He added the County is also contributing.

Hearing no voices, moved by Mr. Pastore to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

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Moved by Mr. Pastore that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**NEW BUSINESS- RESOLUTIONS  
OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

**RESOLUTIONS**

**Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated December 3, 2013 in the amount of \$413,850.70.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**Mr. Hall introduced the following resolution:**

2. Resolution authorizing the deposit of \$1,000.00 from unclaimed bail to miscellaneous revenue.

Moved by Mr. Hall to approve resolution #2, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**Mr. Pastore introduced the following resolution:**

3. Resolution authorizing Garden state Fireworks, to hold a brief fireworks display on December 7, 2013, between the hours of 5:00 – 6:00 p.m. at Memorial Field.

Moved by Mr. Pastore to approve resolution #3, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff



**Mrs. Kingsley introduced the following resolution:**

4. Resolution authorizing the renewal and extension of the contract with MONOC, to provide 911 Emergency medical Telephone Call Screening Services.

Moved by Mrs. Kingsley to approve resolution #4, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**Mr. Delia introduced the following resolution:**

5. Resolution supporting the Drive sober or get pulled over 2013 Year End Holiday Statewide Crackdown.

Moved by Mr. Delia to approve resolution #5, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:**

**(6)**

- a. Resolution authorizing the Tax Collector to refund the following 2013 tax overpayment:

1. Varatharan & A.C. Sekran	168 Garfield Street.	\$2,248.77
2. S. Adsumilli & L.M. Gurusamy	13 Meadowview Lane	\$932.00
3. C. Ting Ng & D. Ping Tu	18 Chestnut Hill Drive	\$346.93
4. A. Xhou & Y. Wang	19 Gregory Court	\$5,233.55

**ADDITION:**

- b. Resolution adding Austin Amiano, 236 Lincoln Street, Berkeley Heights, to the active roster of the Berkeley Heights Fire Department.

Moved by Mr. Pastore to approve Consent Agenda resolutions #6a-b, seconded by Mr. Pirone and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**ORDINANCES**

**INTRODUCTION OF ORDINANCES**

**Public Hearing and Final Adoption scheduled for December 17, 2013:**

The Clerk presented and read:

**(1) “CAPITAL ORDINANCE APPROPRIATING 10,205 FOR VARIOUS CAPITAL  
IMPROVEMENTS AND ACQUISITIONS IN AND BY THE TOWNSHIP OF  
BERKELEY HEIGHTS IN THE COUNTY OF UNION, NEW JERSEY.”**

Moved by Mr. Hall that the ordinance as read by the Township Clerk is offered on first reading and the date of 12/17/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**CITIZENS HEARING**

Moved by Mr. Pirone to open the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

Arthur Barbera of the Berkeley Heights Community Pool said he wanted to make a clarification that the pool does not get any funding from the Township. He also said any trucks that are parked there should ask permission from the pool first before parking there.

Hearing no voices, moved by Mr. Pirone to close the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

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**ADJOURNMENT**

Moved by Mr. Pirone to adjourn, seconded by Mrs. Kingsley and upon roll call vote:  
**(8:38 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Pirone, Mrs. Kingsley and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Woodruff

**Approved: December 17, 2013**